

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ROGER C. DAY,	:	
	:	
Petitioner,	:	
	:	
vs.	:	5:05-CV-54 (CAR)
	:	
L. STEVEN BENTON, Warden, and	:	
MILTON E. NIX, JR.,	:	
	:	
Respondents.	:	

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 16] to grant Respondents Benton and Nix's Motion to Dismiss. Plaintiff filed an objection to this recommendation. [Doc. 18]. Having considered the matter, this Court agrees with the Recommendation; it is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT.**

SO ORDERED, this 24th day of June, 2005.

s/ C. ASHLEY ROYAL
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

LTH/jec